

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Stanton et al.)	Group Art Unit:	1645
)		
Serial No.:	09/641,801)	Examiner:	Unknown
)		
Filed:	August 17, 2000)		
)		
For:	USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES			

REFUND REQUEST UNDER 37 C.F.R. § 1.28

BOX 16
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby respectfully request a refund under 37 C.F.R. §1.26 in accordance with 37 C.F.R. §1.28.

Applicants filed the above-identified application by Express Mail on August 17, 2000. At the time of filing, Applicants did not include the filing fee.

In response to the Notice to File Missing Parts, Applicants inadvertently paid a large entity status filing fee in the amount of \$1,212.00, rather than \$606.00, on March 26, 2001. Applicants also filed a Petition for Extension of Time for four months and paid a large entity status extension-of-time fee in the amount of \$1,390.00, rather than \$695.00. Additionally, Applicants paid a large entity status surcharge of \$130.00, rather than \$65.00, for responding to the Notice to File Missing Parts.

In addition, the Notice to File Missing Parts received for the above-identified application reflects the basic filing fee of \$690.00, which Applicants believe to be under the fee schedule for the year 1999-2000. In response, Applicants submitted the correct amount, in accordance with the Notice. Applicants' Representatives' Deposit Account No. 13-4895 was charged an additional \$26.00 to cover the filing fee based on the new fee schedule (\$20.00 for the basic filing fee, and \$6.00 for three additional independent claims). A copy of the Monthly

Request for Refund Under 37 C.F.R. § 1.28

Page 2 of 2

Applicant(s): Stanton et al.

Serial No.: 09/641,801

Filed: August 17, 2000

For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES

Statement of Deposit Account for charges in the month of March 2001, reflecting this charge is attached hereto as Exhibit A. Applicants do not dispute the reasoning behind this charge; however, believe a refund for one half the charge (\$13.00) is applicable.

The undersigned hereby declares that small entity status is entitled to be asserted in the above-identified application for patent.

Accordingly, as this Request for Refund is being filed within three months after payment of the fee in the amount established for a non-small entity, it is respectfully requested that the Applicants' Representatives' Deposit Account No. 13-4895 be refunded in the amount of \$1,379.00.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Box 16, Assistant Commissioner for Patents, Washington, D.C. 20261, on this day of May, 2001.

Ann M. Mueting

Respectfully submitted,

Stanton et al.

By their Representatives,
Mueting, Raasch & Gebhardt, P.A.
P.O. Box 581415
Minneapolis, MN 55458-1415
Phone: (612)305-1220
Facsimile: (612)305-1228
Customer Number 26813

Date

May 16, 2001

By:

Ann M. Mueting

Reg. No. 33,977

Direct Dial (612) 305-1217

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1645

Applicant(s): Stanton et al.

Group Art Unit: 1645

Serial No.: 09/641,801

Examiner: Unknown

Confirmation No.: 5388

Docket No.: 265.0023 0101

RECEIVED

MAY 24 2001

TECH CENTER 1600/2900

Filed: August 17, 2000

Title: **USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES**

Assistant Commissioner for Patents
Washington, D.C. 20231

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ **Small entity status is entitled to be asserted in the above-identified application.**
- ☒ A return postcard.
- ☐ A Petition for Extension of Time for __ month(s) and a check in the amount of \$__ for the required fee.
- ☐ An Information Disclosure Statement (__ pgs); copies of __ applications; 1449 forms (__ pgs); and copies of __ documents cited on the 1449 forms.
- ☒ Other: Communication Regarding Submission of Supplemental Declaration and Power of Attorney (1 pg.); Supplemental Declaration and Power of Attorney executed by Stanton, Hughes, Jr., and Boldogh (4 pgs.); and Supplemental Declaration and Power of Attorney executed by Georgiades (4 pgs.).
- ☐ Amendment ☐ No Additional fee is required. ☐ The fee has been calculated as shown:

Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Total Claims				x \$9 =	
Independent Claims				x \$40 =	
One or More New Multiple Dependent Claims Presented? If Yes, Add \$135 Here →					
Total Additional Claim Fees Required					

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Transmittal Letter and the paper(s), as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 16 day of May, 2001.

MUETING, RAASCH & GEBHARDT, P.A.
Customer Number: 26813

By: Ann M. Mueeting
Name: Ann M. Mueeting
Reg. No.: 33,977
Direct Dial: 612-305-1217
Facsimile: 612-305-1228

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.8)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stanton et al. Group Art Unit: 1645

Serial No.: 09/641,801 Examiner: Unkown

Filed: August 17, 2000 Docket No.: 265.0023 0101

Title: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND ANALOGS THEREOF FOR INDUCING CYTOKINES

Box 16
Assistant Commissioner for Patents
Washington, D.C. 20231

We are transmitting the following documents along with this Transmittal Sheet (which is submitted in triplicate):

- ☒ **Small entity status is entitled to be asserted in the above-identified application.**
- ☒ A return postcard.
- ☐ A Petition for Extension of Time for __ month(s) and a check in the amount of \$__ for the required fee.
- ☐ An Information Disclosure Statement (__ pgs); copies of __ applications; 1449 forms (__ pgs); and copies of __ documents cited on the 1449 forms.
- ☐ A check in the amount of \$__, representing __.
- ☐ A certified copy of a __ application, Serial No. __, filed ____, the right of priority of which is claimed under 35 U.S.C. §119.
- ☒ Other: Request for Refund Under 37 CFR § 1.28 (2 pgs.) and Exhibit A (1 pg.).
- ☐ Amendment __ No Additional fee is required. __ The fee has been calculated as shown:

Repln. Ref: 06/11/2001 DTHOMAS 0011260800 DAH:134895 Name/Number:09641801 FC: 704					
Fee Calculation for Claims Pending After Amendment					
	Pending Claims after Amendment (1)	Claims Paid for Earlier (2)	Number of Additional Claims (1-2)	Cost per Additional Claim	Additional Fees Required
Adjustment date: 06/11/2001 DTHOMAS 03/30/2001 AGOITOM 00000027 09641801 04 FC:102	\$144.00 CR 240.00 DP				
Repln. Ref: 06/11/2001 DTHOMAS 0011492400 DAH:134895 Name/Number:09641801 FC: 704	Independent Claims \$94.00 CR		Adjustment Date: 06/11/2001 DTHOMAS 03/30/2001 AGOITOM 00000027 134895 09641801 05 FC:118	26.00 CR x \$40 =	-1364.00 DP
One or More New Multiple Dependent Claims Presented? If Yes, Add \$135 Here →					
Repln. Ref: 06/11/2001 DTHOMAS 0011504700 DAH:134895 Name/Number:09641801 FC: 704	\$26.00 CR	Total Additional Claim Fees Required			

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 13-4895. Triplicate copies of this sheet are enclosed.

CERTIFICATE UNDER 37 C.F.R. §1.8: The undersigned hereby certifies that this Transmittal Letter and the above, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 16 day of May, 2001.

MUETING, RAASCH & GEBHARDT, P.A.

Repln. Ref: 06/11/2001 DTHOMAS 0011847300
DAH:134895 Name/Number:09641801
FC: 704 \$65.00 CR

Repln. Ref: 06/11/2001 DTHOMAS 0010591400
DAH:134895 Name/Number:09641801
FC: 704 \$669.00 CR

By: *Ann M. Mueeting*
Name: Ann M. Mueeting

Repln. Ref: 06/11/2001 DTHOMAS 0011131800
DAH:134895 Name/Number:09641801
FC: 704 \$355.00 CR

Facsimile: 612-305-1228

(SMALL ENTITY TRANSMITTAL UNDER RULE 1.8)

EXHIBIT A


U.S. Patent and Trademark Office
OFFICE OF FINANCE

Return To:

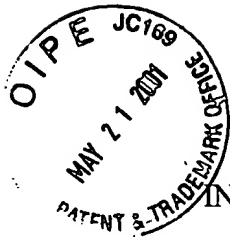
USPTO
Home
PageFinance
Home
Page**Deposit Account Statement**

Requested Statement Month: March 2001
Deposit Account Number: 134895
Name: MUETING RAASCH GEBHARDT & SCHWAPPACH P A
Attention: ACCOUNTING
Address: P O BOX 581415
City: MINNEAPOLIS
State: MN
Zip: 55458-1415

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
03/02	16	09554726		704	-\$780.00	\$10,633.50
03/02	24	09554726		704	-\$52.00	\$10,685.50
03/02	25	09554726		704	-\$52.00	\$10,737.50
03/06	2	09303488	110.0091 010	115	\$110.00	\$10,627.50
03/07	33	09372631	150.01020101	102	\$6.00	\$10,621.50
03/13	12	PCT/US01/07402		704	-\$184.00	\$10,805.50
03/15	2	09578303	235.00150101	202	\$160.00	\$10,645.50
03/15	3	09578303	235.00150101	203	\$36.00	\$10,609.50
03/16	231	PCT/US00/22818		704	-\$16.00	\$10,625.50
03/16	236	PCT/US00/22665		704	-\$16.00	\$10,641.50
03/16	239	PCT/US00/22774		704	-\$16.00	\$10,657.50
03/20	64	09809662	23500320101	201	\$355.00	\$10,302.50
03/20	65	09809662	23500320101	203	\$1,584.00	\$8,718.50
03/20	66	09809662	23500320101	202	\$800.00	\$7,918.50
03/20	106	PCT/US01/08371		704	-\$211.00	\$8,129.50
03/28	2	08851435	6048.N-CP	103	\$432.00	\$7,697.50
03/29	10	08896549	53505USA1A	102	\$160.00	\$7,537.50
03/29	11	08896549	53505USA1A	117	\$890.00	\$6,647.50
03/29	201	PCT/US00/23482		704	-\$16.00	\$6,663.50
03/30	49	09641801	265.00230101	118	\$26.00	\$6,637.50

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$9,853.50	\$4,559.00	\$1,343.00	\$6,637.50

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PATENT
Docket No. 265.0023 0101

#4
MB
05/29/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stanton et al.)
Serial No.: 09/641,801)
Confirmation No.: 5388)
Group Art Unit: 1645
Examiner: Unknown
Filed: August 17, 2000)
For: USE OF COLOSTRININ, CONSTITUENT PEPTIDES THEREOF, AND
ANALOGS THEREOF FOR INDUCING CYTOKINES

COMMUNICATION REGARDING SUBMISSION
OF SUPPLEMENTAL DECLARATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

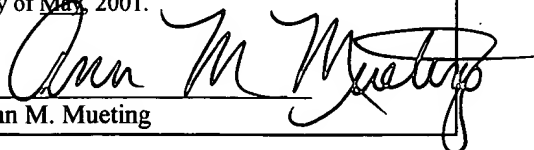
In response to the Notice to File Missing Parts of the above-identified application, Applicants filed a fully executed Declaration to satisfy the missing parts requirements.

Applicants now respectfully submit herewith a fully executed Supplemental Declaration and Power of Attorney, which gives the undersigned the power of attorney to prosecute the above-identified application.

Please direct any inquiries to the undersigned attorney.

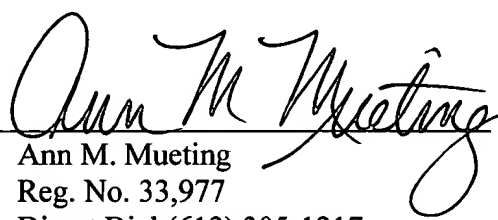
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Facsimile: (612)305-1228
Customer Number 26813

May 16, 2001
Date

By: 
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Reg. No. 33,977
Direct Dial (612) 305-1217